UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/209/Add.7
25 May 1993

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1991

Addendum

SENEGAL*

[December 1992]

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* The present report constitutes the ninth and tenth periodic reports of the Government of Senegal, due on 18 May 1989 and 18 May 1991 respectively.

For the seventh and eighth periodic reports submitted by the Government of Senegal and the summary records of meetings of the Committee at which those reports were considered, see:

Seventh periodic report - CERD/C/131/Add.5 (CERD/C/SR.763);
Eighth periodic report - CERD/C/158/Add.3 (CERD/C/SR.843-SR.844).

GE.93-16661 (E)

I. GENERAL LEGAL FRAMEWORK OF IMPLEMENTATION OF THE CONVENTION

1. The International Convention on the Elimination of All Forms of Racial Discrimination was adopted by the General Assembly of the United Nations through resolution 2106 A (XX) of 21 December 1965. It was opened for signature by Member States in New York on 7 March 1966 and came into force on 4 January 1969, 30 days after the twenty-seventh instrument of ratification or accession had been deposited with the Secretary-General of the United Nations, in accordance with article 19 of the Convention. The Republic of Senegal acceded to the Convention after the President of the Republic had been authorized by Act No. 72-10 of 1 February 1972, published in the Journal Officiel of 1972 (p. 254). The Convention was published in the Journal Officiel of Senegal by Decree No. 72-992 of 26 July 1972 (p. 1,379).

2. When it acceded to international sovereignty, the Republic of Senegal made primacy of the law the foundation of the State and of its entire policy, at both the national and international levels.

AT THE NATIONAL LEVEL

3. This primacy of the law was intended first of all to ensure the subordination of the State to the law. The public authorities therefore drafted and established a Constitution under which the public institutions are organized on the basis of the principle of the division of powers between an executive authority, which formulates and directs the internal and external policy of the State, a legislative authority, which is the depositary of national sovereignty, and an independent judiciary, which enforces the law.

4. That primacy of the law was also meant to guarantee and protect fundamental human rights. It is no accident that the same Constitution does not simply make a passing reference to those rights but has listed them and made specific provision for them in articles 6 to 20, in order that they may be known and defended in all the courts.

5. This primacy of the law also found expression in the equality of all human beings before the law, equality ensured by an independent judiciary, which has just been reorganized under the Higher Council of the Judiciary and through the establishment of a Constitutional Council, a Council of State and a Court of Cassation. The establishment, in 1991, of a post of Ombudsman of the Republic, is evidence of this same determination to make the public authority subject to the law.

6. Lastly, this primacy of the law was intended to promote and protect human rights. In this connection, it is particularly noteworthy that article 4 of the Constitution condemns any act of racial, ethnic or religious discrimination and any regionalist propaganda prejudicial to the internal security of the State or to the integrity of the territory of the Republic, which are punishable by law. Also in this connection it should be noted that a Senegalese Human Rights Committee has been in existence since 1970, to coordinate the activities for the promotion of human rights in Senegal. Another item worthy of note is the encouragement given by the Government to the non-governmental organizations which engage in human rights activities. There are now 12 or more such organizations in Senegal.

AT THE INTERNATIONAL LEVEL

7. This primacy of the law has also been a cornerstone of Senegal's foreign policy, which has set itself two other goals, namely, the defence of the right of peoples to self-determination and the achievement of African unity.

8. At this level, the primacy of the law has been reflected in Senegal's accession to various international human rights instruments. Senegal is currently a party to 26 such instruments, which include:

The International Agreement for the Suppression of the White Slave Traffic, signed in Paris on 18 May 1904;

The Slavery Convention, signed in Geneva on 25 September 1926;

The International Convention for the Suppression of the Traffic in Women of Full Age, signed on 11 October 1933;

The Convention on the Prevention and Punishment of the Crime of Genocide, signed on 9 December 1948;

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the United Nations General Assembly on 2 December 1949;

The Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, signed in Geneva on 12 August 1949;

The Convention relating to the Status of Refugees, adopted in Geneva on 28 July 1951;

The Protocol amending the Slavery Convention of 1926, adopted by the General Assembly on 23 October 1953;

The Convention relating to the Status of Stateless Persons, adopted on 28 September 1954;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted on 7 September 1956;

The International Labour Organisation (ILO) Convention No. 111 concerning Discrimination (Employment and Occupation) adopted in 1958;

The International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly on 21 December 1965;

The Convention against Discrimination in Education, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 14 December 1960;

The International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966;

The International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966;

The Optional Protocol to the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966;

The OAU Convention governing the Specific Aspects of Refugee Problems in Africa;

The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the United Nations General Assembly on 30 November 1973;

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979;

The International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on 17 December 1979;

The African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity in June 1981;

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatmemt or Punishment, adopted by the United Nations General Assembly on 10 December 1984;

The International Convention against Apartheid in Sports, adopted by the United Nations General Assembly on 10 December 1985;

The Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989.

These international instruments have been incorporated into Senegalese law by article 79 of the Constitution, which gives them precedence over national legislation.

9. As regards Senegal's defence of the right of peoples to self-determination, this was demonstrated in the recent past by the very significant role it played in the conduct of the wars of liberation on its southern borders, between the Portuguese colonial troops and the liberation troops of Guinea-Bissau and Cape Verde. This approach is still being demonstrated today by the place occupied by the liberation of Palestine in Senegalese foreign policy or by the liberation of the South African people from white racist domination.

10. Consequently, after the appeal launched by the President of the Republic of Senegal from the rostrum of the United Nations General Assembly on 23 October 1985, emphasizing the need to strengthen the sanctions of

all kinds against South Africa, with time a marked change in the apartheid policy has been observed, as evidenced by the release of Nelson Mandela, the repeal of the three laws which formed the pillars of the system, the country's movement towards racial plurality and the acceptance of the principle of "one man, one vote" in the conduct of the country's affairs.

11. Also at the international level, Senegal continues to associate itself with all efforts to secure for the Palestinian people recognition of the exercise of their legitimate right to return to the land of Palestine, to self-determination, and to establish their own independent and sovereign State. These efforts are beginning to bear fruit, because since the end of the Gulf war the international community has become aware of this historical injustice of which the Palestinian people are victims, and practical measures are currently being taken at various levels to redress the wrong suffered by them.

12. This remainder of the general legal framework in which the International Convention on the Elimination of All Forms of Racial Discrimination applies is necessary in order to show that these are the fundamental principles which underlie the foreign policy of the Republic of Senegal and its determination to respect its international commitments, and that they are the basis on which it is submitting this single document containing its ninth and tenth periodic reports, under article 9 of the Convention.

II. INFORMATION IN RELATION TO THE ARTICLES OF THE CONVENTION DEALT WITH IN THIS REPORT

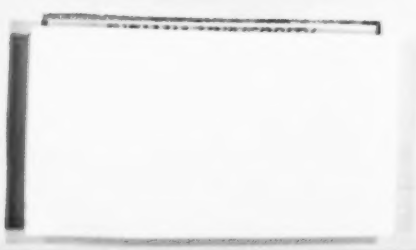
13. When it acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the Republic of Senegal, which is also a party to the ILO Convention (No. 111) concerning Discrimination in respect of Employment and Occupation and the UNESCO Convention against Discrimination in Education, wished to unite its efforts with those of the international community in order to eliminate forever racial discrimination in all its forms, from Senegal and the world. At the same time it undertook to adopt practical measures to give effect to the provisions of the Convention.

ARTICLE 1

DEFINITION OF RACIAL DISCRIMINATION AND ITS MEANING IN THE CONVENTION

14. In the Convention, the expression "racial discrimination" means "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field or public life".

15. This definition is not included in the Senegalese Constitution, article 4 of which, it should be recalled, condemns all forms of racial discrimination, and which proclaims the equality of all human beings before the law. The State of Senegal has established no distinctions or adopted any special measures to ensure the advancement of certain racial or ethnic groups or groups of individuals.



ARTICLE 2

CONDEMNATION OF RACIAL DISCRIMINATION

16. Reference is made to what was stated earlier concerning the condemnation of racial discrimination by article 4 of the Constitution. When Senegal acceded to international sovereignty, the Senegalese public authorities immediately realized the danger that discrimination in all its forms represented to a young emergent State, because of the consequences of colonization. The carving up of territory that took place at the end of the last century during the colonial period is currently feeding racial, ethnic or religious tensions on the African continent. This was what led the public authorities to formulate a genuine policy in this area, based both on the prevention and punishment of all forms of racial, ethnic or religious discrimination.

17. With regard to prevention, after having proclaimed the unity and secular, democratic and social character of the Republic, the public authorities began to foster a feeling of solidarity and tolerance among all inhabitants of Senegal through an intermingling of all its cultures and traditions. It is an established fact that the Senegalese nation existed before the State, because of this common will to live together with has always prevailed among the inhabitants of Senegal. This will was consolidated, with Senegal's accession to statehood and national sovereignty, by the strengthening of feelings of kinship, fraternity and high esteem for the human being. This long historical tradition enhances respect for cultural, linguistic, ethnic and religious differences. And this respect constitutes the basis of tolerance, which is itself an essential weapon in combating any idea of discrimination and serves also as an element of equilibrium and mutual enrichment, which form integral parts of the Senegalese code of behaviour.

18. Prevention has also been a factor in the formulation of a national cultural charter, with a view to the widespread dissemination of the different types of culture, and the teaching and promotion of the national languages, through the creation of a government agency to eliminate illiteracy among the masses. The State media have also been used to popularize the different types of national art and culture and as the tools in this effort to prevent all forms of discrimination.

19. As regards punishment, after having incorporated the principle of the condemnation of all forms of racial discrimination in the Constitution, the public authorities have formulated various measures to this end, which will be discussed below.

ARTICLE 3

CONDEMNATION OF RACIAL SEGREGATION AND APARTHEID

20. The Senegalese Government's condemnation of apartheid is of long standing. It should be recalled that, on this subject, in a solemn official declaration dated 16 July 1963 and published in the Journal Officiel of 1963 (p. 1016), the Government of Senegal condemned the policy of apartheid and

accordingly decided to sever all consular relations with the countries pursuing that policy at the time, namely, South Africa, Portugal and Southern Rhodesia.

21. In order to put this fundamental political decision into effect, the Senegalese Government had adopted three decrees which prohibited any diplomatic, consular or economic relations with the racist regime in South Africa, in the following areas in particular: the importation of food or other products, the flight of South African aircraft over, or the landing of such aircraft on, Senegalese territory, the berthing of any vessels flying the South African flag or originating from South Africa, and the entry and stay of South African citizens in Senegal. These three decrees, dated 17 and 27 July 1963, were amended in 1975 to limit their effect only to the State of South Africa, in respect of which they are still in force.

ARTICLE 4

CONDEMNATION OF ALL RACIAL PROPAGANDA AND ORGANIZATIONS PRACTISING SUCH PROPAGANDA

22. The condemnation of organizations that practise discrimination or are based on racist ideology originates in the Constitution, article 3 (1) of which states that political parties are prohibited from identifying with one race, ethnic group, sex, religion, sect, language or region. Similarly, article 9, providing for freedom of association, states that groups whose purpose or activity is contrary to the criminal laws or at variance with public order shall be prohibited. In the same vein, Act No. 79-02 of 4 January 1979, amending article 214 of the Code of Civil and Commercial Obligations relating to associations, lays down an obligation to prohibit any discrimination based on race, sex or religion in respect of admission to an association.

23. Article 1 (5) of Act No. 65-40 of 22 May 1965 relating to seditious associations, as amended by Act No. 81-77 of 10 December 1981, prohibits any association whose activities are wholly or partially intended for the practice of racial, ethnic or religious discrimination or incitement to such discrimination. The dissemination of ideas based on racial superiority or hatred and propaganda with a view to incitement to racial discrimination are criminal offences and punishable as such.

24. Article 256 bis, added to the Criminal Code by Act No. 81-77 mentioned above, lays down prison terms and fines for anyone who has posted up, displayed or projected for the public, offered, even free of charge, even informally, in any form whatsoever, directly or indirectly or distributed or issued for distribution by any means whatsoever any object or image, printed matter, written matter, drawings, posters, engravings, paintings, films or photographs, photographic matrices or reproductions, or any emblems intended to proclaim racial superiority and arouse a feeling of racial superiority or racial hatred, or constituting incitement to racial, ethnic or religious discrimination.

25. Article 257 bis states that the same types of penalties shall apply to anyone who has publicly uttered chants, shouts or speeches intended to proclaim racial superiority or constituting incitement to racial, ethnic or religious discrimination or racial hatred.

26. Article 258 (2), of the Criminal Code makes any term of contempt a punishable offence, whether or not it relates to a person's origin.

27. Article 261 (2) of the Criminal Code lays down penalties for defamation, using means of dissemination intended for the public, of a group of persons belonging by origin to a particular race or religion for the purpose of arousing hatred among citizens or inhabitants. Acts of racial violence or incitement to commit such acts are considered to be punishable offences in Senegal.

28. According to article 281 of the Criminal Code, any killing of a person committed with premeditation or felonious intent or on the grounds of racial, ethnic or religious discrimination is classed as murder.

29. Articles 295 and 296 of the Criminal Code stipulate that, in cases of deliberate striking and wounding with premeditation or felonious intent, when the act has been committed on the grounds of racial, ethnic or religious discrimination, this shall be considered an aggravating circumstance.

30. Lastly, article 166 bis of the Criminal Code provides that it is a punishable offence for any official of the State or his staff to deny, without lawful reason, a right to an individual on the grounds of racial, ethnic or religious discrimination.

ARTICLE 5

THE RIGHT OF EVERYONE TO EQUAL TREATMENT BEFORE THE LAW

31. This right was given early protection in Senegal; as soon as the country acquired sovereignty, the public authorities decided to take effective measures to review national governmental policies with a view to amending or repealing any law or regulation whose purpose was to create or maintain such inequality.

32. Thus, as early as 1960, Ordinance No. 60-14 of 3 September 1960 restored women's rights from the standpoint of the application of customary rights. Until then, the customary courts had favoured men in judging family disputes. In 1961, with the Senegalese Nationality Code, the authorities showed their desire to promote women's status as compared with men's. Both men and women can thus attribute nationality to a child born in Senegal, in their capacity of ascendant in the first degree who was himself or herself born in Senegal.

33. For foreigners seeking naturalization, the requirement of residence in Senegal has been reduced from 10 to 5 years. A foreign woman who marries a Senegalese automatically acquires Senegalese nationality, unless she renounces it at the time of marriage. A Senegalese woman who marries an alien loses

Senegalese nationality only if she makes an express declaration to that end before the marriage takes place. The declaration shall be valid only if she is able to acquire the nationality of her husband.

34. The idea of equality before the law also prevailed in 1961, when the General Civil Service Statute and the Labour Code were formulated. Article 8 of Act No. 61-33 of 16 June 1961 laying down the General Statute stipulates that there shall be no distinction between the sexes in the implementation of the Statute, subject to special provisions to be established in specific cases. Article 1 of the Labour Code stipulates that workers, irrespective of their sex or nationality, are persons who undertake to make their professional activity available to another person against remuneration. In another provision, the Code states that under conditions of equal work and qualifications, wages shall be equal for all, regardless of sex.

In 1965, the Senegalese Criminal Code took this principle into account when establishing the penalty for rape, which remains punishable by 10 years' imprisonment.

In 1967, the Family Ceremonies Act fixed a tariff for a woman's dowry which had until then been termed the "sales price".

In 1971, the first law setting forth guidelines for the national education system took as one of its goals the equal training of men and women to enable them to create conditions favouring their full development at all levels.

In 1972, the Family Code enshrined this principle of equality by introducing equal conditions for marriage based on the cost of marriages in the civil registry, equality in managing the common property of the household, elimination of the repudiation of the wife and its replacement by divorce by mutual consent, and elimination of custom in settling marital disputes.

In 1973, the new Social Security Code established rights both for the father and for the mother of children.

In 1976, the Electoral Code granted voter status to all men and all women of voting age in possession of their civil rights.

In 1977, the Criminal Code was amended with the repeal of article 332, which had laid down penalties for the offence of abandoning the marital domicile, previously considered to be an exclusively female offence, and its replacement by the offence of abandonment of the family, attributable to both men and women.

35. This concern to eliminate all provisions or measures discriminating against women led the legislature to tackle the last pockets of resistance in this area in 1989.

Thus, the legal domicile provision, which article 13 (1) of the Family Code set for married women, was held to be discriminatory and repealed.

Article 19, which did not grant a woman the possibility of becoming the provisional administrator for her husband in his absence, was amended to grant them that status.

Under article 80, the family record book had been given only to the husband at the time of marriage. Wives now also receive a copy of this document.

Article 262 stipulated that maintenance should be paid to a woman divorced for incompatibility for a period of three months; this period has now been set at 6 to 12 months and left to the judge's discretion.

Article 154 allowed husbands to forbid separate work by their wives. That very discriminatory provision was removed from the Code and the full civil capacity of wives reaffirmed in article 371.

36. Numerous instruments in Senegal recognize the right to equal treatment before the courts or any other administrative organ; they include the Code of Civil Procedure and Code of Criminal Procedure, which formally enshrine this right. Article 2 of the Code of Criminal Procedure states that a criminal indemnity action to obtain compensation for harm caused by any offence is available to anyone who has personally and directly suffered harm due to the offence. All persons who consider that their rights had been infringed have access to the courts, and any person can have his case heard at all levels of jurisdiction.

37. The sacred nature of the human being is established in article 6 of the Constitution, which lays down the obligation on the State to respect and protect the human being. For this reason, the right to security of the person is protected by various laws, in particular the Criminal Code, articles 106-111 of which lay down penalties for arbitrary and illegal violations of security of the person. Lawful violations of security of the person, such as police custody and pre-trial detention, are scrupulously regulated by law (arts. 55-59 of the Code of Criminal Procedure and arts. 105-135 of the Code of Criminal Procedure respectively); article 6 of the Constitution establishes the principle of legality of the offence and the punishment.

38. Political rights have constitutional rank in Senegal. Articles 2 and 3 of the Electoral Code and amended Act no. 76-96 of 21 August 1976 grant the right to vote to Senegalese of either sex who have reached the age of 18, are in possession of their civil and political rights, and do not come under any of the categories of disqualified persons defined by law.

39. Any violation of civil rights by a State agent or citizen is a criminal offence punishable by imprisonment or a fine.

40. The right to be elected to all elective functions by universal suffrage is laid down in the Constitution and other legislation. In this connection, important reforms have recently been made in the Constitution and the Electoral Code in order to make elections open and reliable, and not liable to challenge on grounds of fraud. This reform of the Electoral Code contains some important innovations, among which the following should be mentioned:

Limitation of the President's term of office to two seven-year terms, providing a guarantee of alternation in the highest office;

Reduction of the voting age from 21 to 18 years;

The possibility for an independent candidate, from outside any political party, to run in the presidential election, provided he collects 10,000 signatures of registered voters domiciled in six regions of the country, with at least 500 signatures per region;

The length of the electoral campaign has been increased to 21 days and placed under the supervision of the Court of Appeal, which will ensure equality among the candidates;

The establishment of a radio and television supervisory council to manage the use of broadcasting time during electoral campaigns;

The supervision of elections has been entrusted to the Court of Appeal, which ensures the legality of staffing of polling stations, the voting process, the counting of votes and respect for the free exercise of electors' rights;

The Electoral Code establishes the right of Senegalese living abroad to vote;

The voting register has been completely revised, under the supervision of the political parties and the Administration;

It has been made obligatory for voters to identify themselves at the time of voting, by producing one of the identity papers listed in the text;

There are no restrictions on public meetings during the electoral campaign;

There is a twofold type of ballot for the election of deputies to the National Assembly; 50 deputies are elected on a majority basis and 70 deputies are elected according to the system of proportional representation, with the unfilled seats allocated, in order, to the lists having the highest remaining votes.

41. The conditions for access to public service are governed by Act No. 61-33 of 15 June 1961 containing the General Civil Service Statute. There are no restrictions or impediments in this area, and equal conditions are ensured for filling the various posts in the civil service.

42. The other civil rights recognized by the International Bill of Human Rights are guaranteed and protected by the Constitution and other Senegalese legislation.

They include the following rights:

(i) The right to freedom of movement and residence within the border of the State

43. This right is recognized and guaranteed by article 11 of the Constitution and admits of no restriction in Senegal, as regards either movement or residence within the national territory.

(ii) The right to leave any country, including one's own, and to return to one's country

44. This right is regulated by Act No. 65-11 of 4 February 1965, under which Senegalese nationals who wished to emigrate were initially required to obtain an exit visa. That restriction was lifted by Act No. 81-19 of 6 May 1991. There has never been any problem with the return of Senegalese to their country.

(iii) The right to a nationality

45. Nationality is an individual's bond of allegiance, both political and legal, to a particular State and entails enjoyment of the civil and political rights that make him a citizen. When a child is born, international public order requires that he should initially be connected with that country as a political entity, before he chooses his nationality. Accordingly, Act No. 61-10 of 7 March 1961 establishing the Senegalese Nationality Code lays down the conditions for acquiring Senegalese nationality. These are:

Birth in Senegal, of an ascendant in the first degree who was himself born in Senegal (jus soli - jus sanguinis);

Through marriage of a foreign woman to a Senegalese national;

Through an act of general application by the public authorities or by naturalization.

(iv) The right to marriage and choice of spouse

46. The Senegalese Family Code defines marriage as the solemn union of a man and woman, which is destroyed only by divorce or death. The Code lays down the age requirements for marriage, 16 in the case of women and 20 in the case of men, and above all conditions concerning consent by the spouses, which must be given personally by each of them in the presence of the registrar (arts. 108 to 140). As a result of this basic instrument, there are no forced marriages in Senegal; such marriages, in fact, constitute a criminal offence if proven.

(v) The right to private property

47. Under article 12 of the Constitution, the right to own property is guaranteed. It may not be infringed except in the event of duly established public necessity and subject to prior payment of fair compensation. Pursuant to this fundamental rule, Act No. 76-67 of 2 July 1976 relating to compulsory purchase in the public interest lays down the procedural requirements and conditions of compensation for this encroachment upon property rights, which

is carried out under judicial supervision. Act No. 69-30 of 29 April 1969 lays down the conditions under which individuals and property may be requisitioned in exceptional circumstances, and which are also based on the principle of compensation.

(vi) The right to inherit

48. The right of succession is set forth in the Family Code, which regulates the order of succession. This right is extremely broad, as it incorporates two regimes: what is known as the ordinary law regime, which derives its provisions from the French Civil Code and restricts succession to the immediate family, and the special regime under Muslim law, which extends to the ascending family line of the de cujus. Under both regimes, the right to inherit is subject to no legal impediment or restriction.

(vii) The right to freedom of thought, conscience and religion

49. These freedoms are constitutional in nature, as they are enshrined in article 19 of the Constitution and guaranteed by other laws, including the Criminal Code. In this regard, the peaceful coexistence among all the revealed religions in Senegal, which is at least 90 per cent Muslim, was demonstrated by the historic visit made to Senegal at the beginning of 1992 by the Head of the Roman Catholic Church. Articles 230 to 230 bis of the Criminal Code guarantee freedom to exercise religion in Senegal and classify any violation of the right as a punishable offence.

(viii) The right to freedom of opinion and expression

50. This right is recognized and guaranteed by article 8 of the Constitution, which allows everyone to express and disseminate his opinions freely in oral, written or pictorial form. This right is subject only to the limitations imposed by laws and regulations and by respect for the good name of others. As a consequence of this basic principle there is a wide range of publications and vehicles of opinion. Nowadays Senegal has the broadest media in Africa; not only are organs of the foreign press freely available, but numerous radio and television stations broadcast throughout the country. They all coexist harmoniously, to the satisfaction of the population. This mandatory right is governed by Act No. 79-44 of 11 April 1979 relating to the press and the profession of journalist, which lays down the conditions for its exercise and the relevant penalties.

(ix) The right to freedom of peaceful assembly and association

51. Freedom of association is established in article 9 of the Constitution. Specific Acts distinguish between non-profit associations, trade unions and political parties. They share a common principle: total freedom of establishment, subject solely to the requirement of prior declaration to the appropriate administrative authority. Freedom to establish associations has led to an impressive number of associations in Senegal, whether they be sporting, cultural or consumer associations, trade unions or even political parties, which are formed and organized free from any interference by the authorities.

52. Freedom of peaceful assembly is a corollary of freedom of association. In this respect, Act No. 78-02 of 29 January 1978 relating to meetings distinguishes between public meetings, for which prior authorization is required from the authorities responsible for public order, and private meetings, which are completely free.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

53. These include the following rights:

(i) The right to work and to free choice of employment

54. In this connection it should be recalled that the Republic of Senegal is a party to ILO Convention No. 122 concerning Employment Policy and Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. Both these international instruments establish the principle of the right to work, including the right to freely chosen and accepted employment, which is enshrined in article 20 of the Constitution, and regulated by the Labour Code. This instrument defines forced labour and classifies it as a criminal offence.

55. Furthermore, it is recognized that work must enable the worker and his family to lead a decent life. Accordingly, each category is governed by a statute, which includes wage scales, based on the qualifications of the employee and the service he provides. The scale is established by law or by collective agreement, on the basis of the principle of equal pay for equal work.

56. As regards protection against unemployment, it should be pointed out that the employment policy measures adopted by the Government of Senegal, in the spirit of the World Employment Programme formulated by the International Labour Office, focus on various means of job creation in Senegal. Furthermore, in 1985 the deregulation of employment and the improvement of labour market flexibility were introduced as essential requirements for economic growth and job creation. Labour legislation hampers the necessary structural adjustments by impeding the development of the modern sector.

57. In this connection, the amendment of the Labour Code has led, inter alia, to the abolition of the monopoly of the National Labour Service over placement. The State, which has guaranteed equal opportunity and treatment in access to employment, undertook the reform as a subsidiary measure, to allow the Service to fulfil its public service mission, and authorized the opening of private temporary employment agencies.

58. For Senegal, which is a State ruled by law, social and labour legislation is inseparable from the dynamics of the labour market; the latter depends on the former, whose evolution depends in turn on the political environment, the economic and social situation, and relations between workers, employers and the State in its dual capacity as employer and administrator.

(ii) The right to form and join trade unions

59. This right is recognized in article 20 (2) of the Constitution, which enshrines the right. Articles 4 to 28 of the Labour Code determine the conditions for the establishment of trade unions, membership, resignation and their legal status and functioning, all of which are based on the principle of freedom. This freedom is demonstrated by the large number of trade unions and trade union federations that operate in Senegal solely in support of the vocational interests of workers.

60. Article 29 of the Labour Code specifically prohibits any employer from taking account of trade union membership or the exercise of a trade union activity when making decisions. As regards recruitment, the conduct and allocation of work, vocational training, promotion, remuneration, the granting of social benefits, disciplinary measures and dismissal, the head of an enterprise or his representatives may not exert any form of pressure in support of or against any organization whatsoever. Any measure taken by the employer in breach of these provisions will be deemed improper and will entail payment of damages.

(iii) The right to housing

61. The Senegalese Government's housing policy aims to provide a home for all as rapidly as possible. To achieve this, after having exercised a monopoly over the housing sector for more than a quarter of a century, the public authorities, while pursuing an active role through the three State corporations (Sicap, SNHLM, SN HAMO), have liberalized this sector and have recently begun to take steps towards privatization. The outcome of this joint management of housing policy will be to expand housing capacity not only in urban, but also in rural areas.

(iv) The right to public health, medical care, social security and social services

62. As regards the right to public health and medical care, in order to appreciate the efforts made by the authorities in this sphere it is necessary to examine Senegal's demographic, economic and social trends over the past 12 years.

(a) Demographic and health situation

Population

1976 census: 4,980,000

1988 census: 6,896,000

Population growth rate

Natural rate of growth: 2.9 per cent

Actual rate of growth: 1.6 per cent

Geographical distribution of the population

Total urban population: 2,653,943

Dakar: 1,488,941

Annual rate of growth of the urban population: 4.0 per cent

Ethnic composition of the population

Wolof: 43.7 per cent

Peuls: 23.2 per cent

Serer: 14.8 per cent

Dyola: 5.5 per cent

Mandingo: 4.6 per cent

Others: 8.2 per cent

Religious composition of the population

Muslim: 94 per cent

Christian: 5 per cent

Others: 1 per cent

Fertility - Marriage

Average age at weaning: 18.8 months

Desired number of children: 6-8 (per woman)

Average interval between successive births: 33 months in 1978

Average age at first marriage: 16.6 (20-49 years)

Proportion never married: 0.5 per cent

Awareness of contraceptive methods

All methods: 89.8 per cent

Modern methods: 69.2 per cent

Use of contraception

In the past - all methods: 32.6 per cent

Present - all methods: 10 per cent

modern methods: 2.6 per cent

Mortality - morbidity

Life expectancy at birth: 54 years

Infant mortality (0-1 year): 86 per thousand

Juvenile mortality (1 to 4 years): 113 per thousand

Maternal mortality rate

Urban areas: 4.5 per 1,000 births

Rural areas: 9.5 deaths per 1,000 births

Rate of infant morbidity

Prevalence of certain infections

Diarrhoea: 38 per cent (children under five)

Malaria: 50 per cent

Vaccination coverage

BCG: 66 per cent

DPT: 44 per cent

Measles: 47 per cent

VAT.1 (pregnant women): 48 per cent

VAT.2 (pregnant women): 33 per cent

Health coverage

Number of inhabitants per doctor: 1,847

Number of inhabitants per hospital: 44,000

Number of women inhabitants per midwife: 3,582

Number of inhabitants per health station: 11,300

(b) Senegal's economic and social situation

GDP (at current prices): 1,604.8 billion CFA francs as against 1,452.3 billion in 1988 and 1,382.4 billion in 1987

Per capita GDP: 208,000 CFA francs

Unemployment rate: 12 per cent

Activity rate: 44 per cent

School attendance rate: 58 per cent

Boys: 68.5 per cent

Girls: 49.0 per cent

Literacy rate

Men: 37.4 per cent

Women: 18.0 per cent

63. It should be mentioned that all the general policy measures taken by the Senegalese authorities in the health sphere have been intended solely to improve the environment and quality of life and to ensure the durable well-being of all categories of the population.

64. The national health policy adopted in June 1989 is guided by two principles: on the one hand, the right of all citizens to health and, on the other, the treatment of health problems as part of economic and social development, through preventive, educative, curative and social medicine. The main facets of this policy based on the primary health-care strategy are: improving health coverage, particularly in rural and suburban areas; improving the health of mothers and children; the development of preventive and educative measures; rationalization of treatment; rationalization and development of human and financial resources; control of demographic variables.

65. The right to social security and social services is recognized and guaranteed in various laws and regulations, including: the Labour Code (Act No. 61-34 of 15 June 1961); the Social Security Code (Act No. 73-37 of 31 July 1973); the statute of the Senegalese Insurance and Pensions Institute (IPRES); the statute of the sickness insurance institutions (IPM); the Civil Service Statute (Act No. 61-33 of 15 June 1961).

66. Senegal is also a party to the following ILO Conventions: Convention No. 102 concerning Minimum Standards of Social Security, of 1952; Convention No. 121 concerning Benefits in the case of Employment Injury.

67. In principle all wage-earners and members of their families benefit from the social security regime. State employees are covered by a special regime managed by the national pension fund. Social security funding in the case of

the family allowance and industrial accident regimes is derived exclusively from employers' contributions. However, employers and workers contribute equally to the sickness insurance scheme. The social security regime in Senegal essentially comprises the following five branches.

(a) Medical care

68. The cost of medical care for wage-earners and their family members is met by the social security institutes - the Social Security Fund and IPRES. The IPMs only meet the cost of medical care necessitated by illness and accidents that are not work-related.

(b) Maternity benefits

69. These are provided by the Social Security Fund as part of family allowances.

(c) Accident and work-related illness benefits

70. Compensation for work-related accidents and occupational illnesses is provided by the Social Security Fund, which pays a pension to the victim or to his rightful claimants if he is deceased. Compensation is also paid to victims of industrial accidents in the event of partial disability.

(d) Family allowances

71. These are paid by the Social Security Fund to workers or their spouses, subject to certain conditions.

(e) Old-age pension

72. The retirement pension fund (IPRES) provides its members (workers) who have reached retirement age with an old-age pension; surviving spouses, dependent children and members who are unable to perform paid work may also receive the pension, or a part of it, subject to the conditions laid down in regulations.

(v) The right to education and training

73. The right to education and training occupies a prominent position in the Constitution. Articles 13 to 18 place special emphasis on this right and on the obligation of the State to guarantee it for all. Pursuant to these provisions of the Constitution, both Act No. 71-36 of 3 June 1971 and Act No. 91-22 of 16 February 1991 (National Education Guidance Act), which superseded it, have the following basis and objectives:

> To raise the cultural level of the population; to train free men and women able to create the conditions for their development at all levels, to contribute to the development of science and technology, and to provide effective solutions to the problems of national development.

74. These instruments stipulate that Senegalese national education is democratic. Its underlying principle is the acknowledged right of all human

beings to receive the instruction and training appropriate to their aptitudes and its objective is to enable everyone to participate in production, in all its forms, in accordance with his abilities. The equality of citizens of diverse origins and beliefs makes liberty and tolerance the main features of national education. It is also the basis for its secularism. National education in Senegal is lifelong. It provides all citizens with an opportunity to acquire learning and training in all sectors of active life in order to improve their knowledge with a view to social advancement. Finally, depending on the persons for whom it is intended and the objectives pursued, national education assumes three main forms:

The education given to young persons of school and university age within the framework of general education, technical education or vocational training, the aim of which is to enable them to reach a certain level of theoretical and practical knowledge or vocational aptitude;

The education given to young persons and adults, the purpose of which is, by means of functional literacy courses and other promotional activities, to increase productivity and introduce people to different ways of thinking;

Education of the country's serving public employees by means of continuing training.

75. On the basis of these legislative directives concerning Senegalese education, considerable efforts were made during Senegal's first two decades of independence to establish an infrastructure to provide training both for workers and for managers and high-level technicians. The secondary sector was still somewhat undeveloped, particularly as regards lower-level or intermediate technicians. The problem of coordination was already acute, on account of the multiplicity of institutions and vocational training activities.

76. In the sphere of vocational training, the 1980s were noteworthy for the following developments: the convening of the General Conference on Education and Training; the creation of new management support and coordination institutions for vocational training; the establishment of new training opportunities; the reform of certain branches of technical education.

77. The National Commission for the Reform of Education and Training (CNRF), which came into being at the General Conference on Education and Training in January 1981, submitted its conclusions in 1984. It emphasized the need to institute continuing education so as to give individuals the possibility of taking refresher courses and training courses in new subjects through either the intermediate vocational training colleges or apprenticeship.

78. In conjunction with the General Conference, new institutions for the management and coordination of vocational training were also established. The first of these was the State Secretariat for Vocational Training, set up in 1983 and abolished in 1985. Others included:

The National Vocational Training Office, responsible for assisting the Government in focusing its vocational training policy and for monitoring the policy's legal, financial and technical implementation;

The National Vocational Training Centre, established in 1986, which is a novel training institution with two responsibilities: preparing for employment young people who leave school without any professional qualifications, and improving the skills of serving State employees;

The Senegal-Japan Technical Vocational Training Centre, established in 1984, which is responsible for providing training for middle-level executives and maintenance personnel;

The regional vocational training centres, established in 1982, which operate in some regions of the country.

79. At the beginning of the 1990s, responsibility for vocational training was taken away from the Ministry of Education, and a Ministry of Labour and Vocational Training was established.

(vi) The right to participate in the country's cultural life

80. The right of everyone to participate in the country's cultural life is recognized in Senegal, whose long cultural tradition is attested to by the 1966 World Festival of Negro Arts and the Biennial Festival of Arts and Culture held in Senegal at the end of 1992.

(vii) The right of access to any place or service intended for use by the general public

81. Prohibition of access to places intended for use by the public constitutes an act of segregation that may be assimilated to apartheid; there has never been any such practice in Senegal. Accordingly, as no distinction is made among the inhabitants of Senegal, there is no call for a reply to this question, from either the legal or sociological standpoint.

ARTICLE 6

THE RIGHT TO LEGAL PROTECTION AGAINST DISCRIMINATION

82. It should be recalled that the aim of the Senegalese authorities in classifying the various forms of discrimination listed in Act No. 81-77 of 10 December 1981 as punishable offences was to ensure that persons committing such offences would be prosecuted before independent courts and duly punished. In Senegal, access to the courts is a fundamental right for anyone who believes that his rights have been infringed. The ordinary civil, commercial and criminal procedural legislation guarantees the right. Redress for any injury deriving from violation of this right naturally applies once the court hearing the case has handed down its decision and the plaintiff has sought redress.

83. Lastly, the right to submit a case to a higher court if a lower court fails to give satisfaction is guaranteed by all Senegal's procedural legislation, through appeal or application for judicial review.

ARTICLE 7

MEASURES TO BE TAKEN TO COMBAT ALL FORMS OF DISCRIMINATION

84. Even before acceding to the Convention, shortly after attaining independence, the Republic of Senegal adopted numerous measures in the spheres of education, culture and information to combat all forms of prejudice that might give rise to racial discrimination. The first such measures were intended to foster brotherhood, solidarity and understanding among all Senegal's inhabitants, through a sense of tolerance and rejection of any discrimination among the various coexisting cultural groups.

85. Among other measures, media programming ensures that all cultures and shades of opinion and feeling are able to express themselves and to be understood by others, which is the token of universal solidarity and brotherhood. As we have constantly emphasized, in Senegal tolerance and respect for diversity have always been considered as essential factors for mutual equilibrium and enrichment, and thus as a code of conduct for all Senegalese.

86. Other measures, such as the formulation of a national cultural charter, the establishment of the Les Mutants University for Cultural Dialogue on the historic island of Gorée, the establishment of a national organization responsible for literacy and the promotion of the national languages, and the establishment of an institute for human rights and peace at Cheikh Anta Diop University in Dakar, are a few practical examples of the determination of the Senegalese authorities to promote the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.

87. To conclude, it simply has to be acknowledged Senegal's attachment to the obligations deriving from the Convention is a tangible reality, as it informs the daily lives of the Senegalese people. To this fact the international community, to which Senegal is part, bears privileged witness.